

### **REMARKS**

Reconsideration of the present application is respectfully requested. Claims 1, 30 and 41 have been amended. Claims 1 – 41 are currently pending.

### **Rejections based on 35 U.S.C. § 103**

Claims 1 – 18, 30 – 35 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over an article titled “MacOSXHints” (MacOSXHints) in view of a second article titled “Mac OS X Disaster Relief: Troubleshooting Techniques to Help Fix it Yourself” (Landau), both of which describe an operating system product named Mac OS 10.2. Claims 19 – 23, 25 – 29, 36, 37, 39 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau and Balabine, *et al.*, U. S. Patent No. 5,937,406 (“Balabine”). Claims 24 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau and Balabine, and further in view of a third article titled MacOSXHints (MacOSXHints2).

### **Claims 1 – 18 and 41**

Claims 1 – 18 and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau. Independent claims 1 and 41 have been amended, and Applicants respectfully submit that neither MacOSXHints nor Landau, either alone or in combination, discloses each and every limitation recited by independent claims 1 and 41, as amended. Specifically, MacOSXHints and Landau do not disclose a shell that “is configured to present an item containing said metadata to the user with said visual representation defined by said metadata contained in said item,” as required by amended independent claims 1 and 41.

MacOSXHints addresses how a “Finder” feature of Mac OS 10.2 handles different types of windows states. For example, Finder saves the state of open windows “when you log out so that it can open them when you log back in.” To save file icon locations, Finder uses “an invisible file called .DS\_Store located in the directory shown in the window.”

As set forth in the Office Action, MacOSXHints does not disclose a shell that presents items that contain metadata to the user with an item decoration view. For this aspect, the Office Action relies on Landau. Landau discloses a TinkerTool utility that allows a user to “make all invisible files visible.” Accordingly, the Office Action relies on the combination of MacOSXHints and Landau to teach presenting an icon representing the .DS\_Store file at the location defined by the .DS\_Store file.

As previously mentioned, independent claims 1 and 41 have been amended, and now both require a shell that “is configured to present an item containing said metadata to the user with said visual representation defined by said metadata contained in said item.” Neither MacOSXHints nor Landau teaches the claimed shell. The icon location stored by the .DS\_Store file does not define a visual representation of an item— it merely defines where an icon is placed on the screen. A mere location, by itself, is not the visual representation of an item required by claims 1 and 41. Thus, Applicants submit that independent claims 1 and 41 are in condition for allowance. Applicants also submit that dependent claims 2 - 18, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim 1.

#### Claims 30 – 35

Claims 30 – 35 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau. Independent claim 30 has been amended, and Applicants respectfully submit that neither MacOSXHints nor Landau, either alone or in

combination, disclose “utilizing said metadata contained in a requested item to define a visual representation of said requested item, wherein said visual representation includes one or more elements of visual content” and “presenting said one or more requested items to the user, wherein at least one said one or more requested items with said corresponding metadata is presented with said visual representation,” as required by amended independent claim 30.

MacOSXHints and Landau have been previously discussed. MacOSXHints teaches storing the locations of icons in a file named .DS\_Store. Landau teaches a utility that may be used to display an icon representing the .DS\_Store file. The Office Action relies on the combination of MacOSXHints and Landau to teach presenting an icon representing the .DS\_Store file in the location stored in the .DS\_Store file.

Independent claim 30, as amended, now requires metadata defining a “visual representation of said requested item, wherein said visual representation includes one or more elements of visual content.” The item is “presented with said visual representation” as defined by the item’s metadata. The storing of an icon’s location, of course, is not the same as defining a visual representation of an item that includes one or more elements of visual content. Thus, neither MacOSXHints nor Landau, either alone or in combination, teach or suggest each and every element of independent claim 30, as amended. Accordingly, Applicants submit that independent claim 30 is in condition for allowance. Applicants also submit that dependent claims 31 - 35, which depend from claim 30, are in condition for allowance for at least the same reasons discussed above with respect to claim 30.

Dependent Claims 19 – 23, 25 – 29, 36, 37, 39 and 40

Dependent claims 19 – 23, 25 – 29, 36, 37, 39 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau, further in view of

Balabine. Claims 19 – 23 and 25 – 29 depend from independent claim 1. Claims 36, 37, 39 and 40 depend from independent claim 30. As discussed above, claims 1 and 30 are patentable over MacOSXHints and Landau. Balabine also fails to disclose the invention of claims 1 and 30, individually or in combination with MacOSXHints and Landau. Claims 19 – 23, 25 – 29, 36, 37, 39 and 40 include all of the limitations of claim 1 or 30 and are also patentable over MacOSXHints, Landau and Balabine, taken individually or in combination with one another, for at least the reasons stated above.

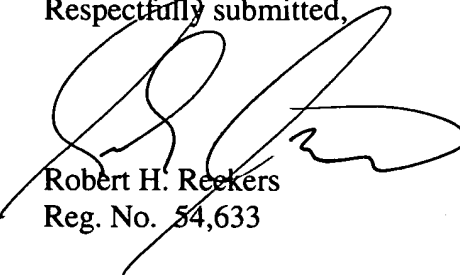
#### Dependent Claims 24 and 38

Claims 24 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau and Balabine, further in view of MacOSXHints2. Claim 24 depends from independent claim 1. Claim 38 depends from independent claim 30. As discussed above, claims 1 and 30 are patentable over MacOSXHints and Landau. Balabine and MacOSXHints2 also fail to disclose the invention of claims 1 and 30, separately or in combination with MacOSXHints and Landau. Claims 24 and 38 include all of the limitations of claim 1 or 30 and are also patentable over MacOSXHints, Landau, Balabine and MacOSXHints2, taken separately or in combination with one another, for at least the reasons stated above.

#### Conclusion

For the reasons stated above, claims 1 – 41 are in condition for allowance. If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,



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